

**CITY OF DAYTON, OHIO**

DEPARTMENT OF LAW  
CIVIL DIVISION



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488478

February 19, 2015

**VIA Certified Mail**

Margaret Herring, Civil Investigator  
U.S. Environmental Protection Agency, Region 5  
Superfund Division  
Enforcement and Compliance Assurance Branch (SE-5J)  
77 W. Jackson Boulevard  
Chicago, IL 60604-3590

SUBJECT: **RESPONSE TO PRP LETTER FOR SOUTH DAYTON DUMP AND  
LANDFILL 1975 DRYDEN ROAD, MORaine, OH**

Dear Ms. Herring:

I am writing with the City of Dayton, Ohio's response to questions and requests for production of documents contained in the letter dated January 16, 2015 concerning the South Dayton Dump and Landfill. In addition to the responses to the questions below, I am enclosing in this letter a CD containing the requested documents.

**QUESTIONS**

1. Identify all persons consulted in preparation of the answers to these questions.

RESPONSE: Michele Simmons, Environmental Division Manager, City of Dayton Department of Water; Fred Stovall, Director Department of Public Works; Mike Cross, Dayton Department of Aviation; Tammi Clements, Director Department of Water; Mike Powell, Deputy Director Department of Water; Phil Van Atta, Water Supply and Treatment Division Manager; Jason Tincu, Water Reclamation Division Manager; Jacquelyn McPherson, Water Administration Supervisor; Thomas J. Ritchie, Jr., Manager Division of Waste Collection; Tom Dempsey, Research & Control Specialist, City of Dayton Water Department; David Shade, Division Manager, Division of Water Utility Fields; Anthony Wade, Sewer Administration Supervisor; Frank Parsons, Water Administration Supervisor; Gilbert Turner, Deputy Director of the Department of Aviation; Assist. Chief Robert Chabali; City of Dayton Police Department; Chief Jeffery Payne, Dayton Fire Department; Joseph Parlette, Director of Recreation and Youth Services; Felicia Graham, Environmental Compliance Coordinator.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

RESPONSE: The documents are being provided along with this letter.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and email address.

RESPONSE: N/A

4. Provide names, addresses, telephone numbers, and email addresses of any individuals, including former or current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.

RESPONSE: See the individuals listed in response to question Number 1, above. They are all current employees of the City of Dayton, Ohio, and can be reached at 101 W. Third St., Dayton, OH 45401, Tel. (937) 333-4116, or 320 W. Monument Ave., Dayton, OH 45402, or by email by typing their first name a period and their last name @Daytonohio.gov.

5. State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and email addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.

RESPONSE: The City of Dayton has no knowledge of ever disposing of any waste at the South Dayton Dump and Landfill.

6. Did Respondent haul or send materials to SDDL in vehicles it owned leased or operated? If yes, during what time periods did this occur? If no, how did respondent transport materials to the SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and email addresses of these entities?

RESPONSE: The City of Dayton has no knowledge of ever shipping any waste to the South Dayton Dump and Landfill.

#### PERMITS/REGISTRATIONS

7. List all federal, states and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.

RESPONSE: N/A

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis for such difference.

RESPONSE: N/A

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

RESPONSE: The City of Dayton has no knowledge of every shipping any waste to the South Dayton Dump and Landfill. All waste that the City of Dayton has shipped was sent by licensed carriers to a licensed waste treatment storage and disposal facility permitted by the U.S. EPA.

10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

RESPONSE: Valicor Environmental Services, LLC U.S. EPA No. OH000107649; Clean Harbors Environmental Services, 1501 Washington St., P.O. Box 859048, Braintree, MA 021185, U.S. EPA No. MAD039323250; Clean Water 300 Cherokee Dr., Dayton, OH, US EPA No. OH0004274031; Permafix, 300 Cherokee Dr., Dayton, OH 45707, U.S. EPA No. OH0004274031; Clean Harbors Reidsville, LLC, 208 Watlington Industrial Dr, Reidsville, NO 27320, U.S. EPA No. NCD000648451; Spring Grove Resource Recovery, 4879 Spring Grove Ave., Cincinnati, OH 45232, U.S. EPA No. OHD000816629; Clean Harbors El Dorado LLC, 308 American Circle, El Dorado, AR 71730, U.S. EPA No. ARD069748192; Veolia E.S. Industrial Service, 6151 Executive Blvd., Huber Heights, OH 45424, U.S. EPA No. TXR000077970; NJD080831369, OHD093945293, OHD081853566

11. Does your company or business have a permit or permits issued under the Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

RESPONSE: See attached Exhibit A.

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described, in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

RESPONSE: All Waste Disposal Manifests are provided in the documents attached to this response.

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also, provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and email address.

RESPONSE: Michele Simmons, Environmental Division Manager, City of Dayton Department of Water, 320 W. Monument Ave., Dayton, OH 45402; Tel. (937)-333-3796; Tom Dempsey, Research and Control Specialist, City of Dayton Water Department, Water Reclamation Facility, 2800 Guthrie Rd., Dayton, OH 45417, Tel. #(937) 333-1837; Felicia Graham, Environmental Compliance Coordinator, 320 W. Monument Ave., Dayton, OH 45402, Tel# (937) 333-8598. These individuals oversee the disposal of wastes generated by the City of Dayton. They contract with companies to dispose of the waste and maintain records of the disposal.

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:
- a. The type of container (e.g. 55 gal. drum, dumpster, etc.)
  - b. The colors of the containers;
  - c. Any distinctive stripes or other markings on those containers;
  - d. Any labels or writing on those containers (including the content of those labels);
  - e. Whether those containers were new or used; and
  - f. If those containers were used, a description of the prior use of the containers.

RESPONSE: The containers used to take waste from the City of Dayton depended upon the company that the City contracted with to remove the waste. The manifests and other information concerning the companies that the City of Dayton used to dispose of wastes are being provided along with these responses.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

RESPONSE: The City of Dayton has no knowledge of disposing of any waste at the South Dayton Dump and Landfill or entering into contracts with Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr. The documentation concerning the City's disposal of waste are attached to these responses.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

- g. State where Respondent sent each type of its waste for disposal, treatment, or recycling.

RESPONSE: The City of Dayton has no knowledge of disposing of any waste at the South Dayton Dump and Landfill or contracting with the individuals listed in question 15, above. See attached documents.

- h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request),

RESPONSE: See response to question No. 10, along with the documents provided with this response.

- i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.

RESPONSE: N/A

- J. For each type of waste specify which Waste Carrier picked it up.

RESPONSE: For over the last 40 years, the City of Dayton disposed of the garbage that it collected through the Montgomery County Solid Waste District. Prior to that, the City of Dayton operated its own incinerator and deposited the ash from its incinerator on the grounds of the Dayton Waste Water Treatment Plant. The City did not begin its neighborhood recycling program until 1996.

Until 2011, the City partnered with Montgomery County in a joint contract agreement with Rumpke Industrial Waste Group to landfill detritus generated by Montgomery County's two wastewater facilities and Dayton's wastewater facility. Since that time, Dayton has contracted with Rumpke separately to dispose of waste detritus. In all instances, Rumpke's sole disposal destination has been the Rumpke Landfill at 10795 Hughes Road Cincinnati, OH 45251.

Used motor oil and grease is disposed of by the Lubrisource Company. Oily rags are disposed of by Rumpke, along with the wastewater treatment detritus. Clean Harbors, Cleanlites, and related hazardous materials disposal companies have been contracted to dispose of mercury or assorted chemical waste, and fluorescent bulbs, but not oils, greases, and lubricants. See the attached documents.

- k. For each type of waste, state how frequently each Waste Carrier picked up such waste.

RESPONSE: See attached documents.

- l. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).

RESPONSE: See attached documents.

- m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.

RESPONSE: See attached documents.

- n. Provide copies of all documents containing information responsive to the previous seven questions.

RESPONSE: See attached documents.

- o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:

- i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);

RESPONSE: See attached documents.

- ii. names or markings on the vehicles; and

RESPONSE: See attached documents.

- iii. the color of such vehicles.

RESPONSE: See attached documents.

- p. Identify all of each Waste Carrier's employees who collected Respondent's wastes.

RESPONSE: Unknown.

- q. Indicate the ultimate disposal/recycling/treatment location for each type of waste.

RESPONSE: See attached documents.

- i. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

RESPONSE: See attached documents.

- r. Describe how Respondent managed pickups of each waste, including but not limited to:

- i. the method for inventorying each type of waste;

RESPONSE: The wastes would be stored and picked up on a regular basis, or when the storage facility was full.

- i. the method for requesting each type of waste to be picked up.

RESPONSE: Waste would be prescheduled for pick up pursuant to contract, or through a phone call.

- 111. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each. type of waste;

RESPONSE: The names of the employees are not known.

- iv. the amount paid or the rate paid for the pickup of each type of waste;

RESPONSE: See attached documents.

- v. the identity of (see Definitions) Respondent's employee who paid the bills; and

RESPONSE: See attached documents.

- vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.

RESPONSE: See attached documents.

- s. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.

RESPONSE: See attached documents.

- i. State the basis for and provide any documents supporting the answer to the previous question.

RESPONSE: See attached documents.

- t. Describe all wastes disposed by Respondent into Respondent's drains including but

not limited to:

RESPONSE: Objection: This question is overly broad and unduly burdensome. Moreover, this request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible, relevant evidence. This matter involves the South Dayton Dump and Landfill, not any wastes sent through the City's sewer system. In addition, the City of Dayton owns and operates the sewer system in the City of Dayton.

- i. the nature and chemical composition of each type of waste;

RESPONSE: See Response to T, above.

- ii. the dates on which those wastes were disposed;

RESPONSE: See Response to T, above.

- iii. the approximate quantity of those wastes disposed by month and year;

RESPONSE: See Response to T, above.

- iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and

RESPONSE: See Response to T, above.

- v. whether and what pretreatment was provided.

RESPONSE: See Response to T, above.

- U. Identify any sewage authority or treatment works to which Respondent's waste was sent.

RESPONSE: See response to question P, above.

- V. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

RESPONSE: The City has no knowledge of any wastes being sent to the South Dayton Dump and Landfill.

#### **RESPONDENT'S ENVIRONMENTAL REPORTING:**

- 17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

RESPONSE: See attached Exhibit A listing the City RCRA numbers and details.



18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

RESPONSE: U.S. EPA Region 5, 77 W. Jackson Boulevard, Chicago, IL.

19. State the years during which such information was sent/filed.

RESPONSE: Unknown.

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

RESPONSE: Ohio EPA, Columbus, OH

21. State the years during which such information was sent/filed.

RESPONSE: Unknown.

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

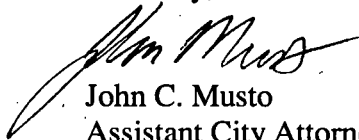
RESPONSE: The City of Dayton operates a potable drinking water system as well as a storm water system and a sanitary sewer system with waste water treatment plants. In addition, it operates its own well fields. These systems are regulated by the U.S. and Ohio Environmental Protection Agencies.

23. Identify the federal and state offices to which such information was sent.

RESPONSE: The City provides ongoing information to the U.S. and Ohio Environmental Protection Agencies concerning its drinking water and sewer treatment operations. In addition, the City provides ongoing information to the Bureau of Underground Storage Tank Regulations, and Regional Air Pollution Control Agency.

Please feel free to contact me should you have any questions or need any additional information.

Sincerely,



John C. Musto  
Assistant City Attorney

Encl.

## EXHIBIT A

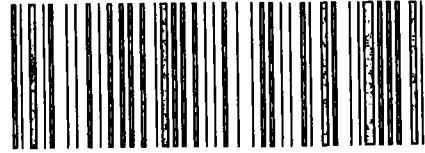
| City of Dayton<br>RCRA Generator Numbers       |                                 |                            |                  |                       |              |  |
|--|---------------------------------|----------------------------|------------------|-----------------------|--------------|--|
| Department                                     | Division                        | Address                    | EPA ID<br>number | POC                   | phone        | Status                                     |
| Aviation                                       | Dayton International<br>Airport | Bldg 3848 Wright Dr        | OHD982210759     | Roger Flanik          | 513-898-4631 |  |
|  |                                 |                            |                  |                       |              |  |
| Fire Department                                | Former Garage                   | 1442 Springfield<br>Street | OHD986978682     | Kevin Shoup           | 3248         | deactivated<br>12/7/04                     |
|  | Current Garage                  | 1601 Stanely Ave           | OHD982611592     | Kevin Shoup           | 3248         | Safety Kleen                               |
|  |                                 |                            |                  |                       |              |  |
| Police   |                                 | 3237 Guthrie Rd            | OHR000003822     | Donna Gorby-Lee       | 513-443-3725 | deactivated<br>12/7/04                     |
|  |                                 |                            |                  |                       |              |  |
| Public Works                                   | Golf: Community                 | 2917 Berkerly St           | OHD074703091     | Hank Chafin           | 513-293-2341 | deactivated<br>12/7/04                     |
|  | Fleet Management                | 1010 Ottawa                | OHD081853566     | James Dinneen         | 513-443-4850 | keep for Drum<br>Storage Area<br>disposals |
|  | Signal and Sign Shop            | 520 Kiser St               | OHD981796964     | Richard Davis         | 513-443-4800 | keep                                       |
|  |                                 |                            |                  |                       |              |  |
| Building<br>Services<br>(Urban<br>Development) | Inspection Services             | 1117 W. Third St           | OHD986977635     | Denver Williams       | 513-443-3909 | deactivated<br>12/7/04                     |
|  |                                 |                            |                  |                       |              |  |
| Water  | Sewer Maintenance               | 1012 Ottawa St             | OHD981534167     | Richard Barker        | 513-443-4914 | keep                                       |
|  | Wastewater Treatment            | 2800 Guthrie Rd            | OHD000721191     | Thomas<br>Schommer    | 513-689-9511 | keep                                       |
|  | Water Supply and<br>Treatment   |                            | OHR000125781     | Martha<br>Schwendeman |              | New 12/04                                  |
|  | WS&T Lime Kiln                  | 1048 Ottawa St             | OHR000020685     | Martha<br>Schwendeman | 6135         | keep                                       |

## EXHIBIT A

|                    |   |                        |              |                    |              |                     |
|--------------------|---|------------------------|--------------|--------------------|--------------|---------------------|
|                    | <b>Burkhardt Water Tower</b>                | Burkhardt Water Tower  | OHD986975274 | George Crosby      | 513-237-0020 | deactivated 12/7/04 |
|                    | <b>Mt. Auburn Tank</b>                      | 2229 1/2 Ravenwood Ave | OHR000006783 | Chris Holmes       | 513-237-0020 | deactivated 12/7/04 |
|                    | <b>Nordale Tank Farm</b>                    | Enterprise Avenue      | OHR000007229 | Chris Holmes       | 513-237-0020 | deactivated 12/7/04 |
|                    |   |                        |              |                    |              |                     |
| <b>Brownfields</b> | <b>Dayton Press Inc.</b>                    | 2219 McCall St         | OHD004251534 | Donna Winchester   | 3798         | deactivated 12/7/04 |
|                    | <b>Formerly Sears</b>                       | 240 E Monument Ave     | OHR000102152 | Donna Winchester   | 3798         | deactivated 12/7/04 |
|                    | <b>Zion Center</b>                          | 40 Sprague St          | OHR000112326 | Donna G Winchester | 3734         | Deactivated 2005    |
|                    | <b>GHR Division of Dayton Malleable Inc</b> | 400 Detrick St         | OHD099020133 | Jim Shoemaker      | 3727         | keep                |
|                    |   |                        |              |                    |              |                     |
|                    |   |                        |              |                    |              |                     |
|                    |   |                        |              |                    |              |                     |

City of Dayton  
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CERTIFIED MAIL



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Margaret Herring, Civil Investigator  
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